



Zweiback Fiset & Zaldueendo ^{LLP}

March 26, 2024

VIA CM/ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

In light of this letter, the pretrial conference scheduled for April 2, 2024 is canceled. In the event the Court denies the motion to dismiss (as to which the Court reserves judgment), the Court will issue an Order approximately two months before trial setting deadlines for the filing of proposed voir dire, proposed requests to charge, and motions in limine and scheduling a final pretrial conference. If either party believes that earlier or additional deadlines should be set, counsel should confer and file a letter motion to that effect. The parties are reminded that the trial date is a FIRM date. Counsel should promptly confer with respect to whether time should be excluded under the Speedy Trial Act between a ruling on the motion and the trial date and, if appropriate, the Government should submit a letter motion or proposed Order to the Court. The Clerk of Court is directed to terminate ECF Nos. 230 and 231.

Re: *United States v. Skye Xu*, No. 23 Cr. 133 (JMF)
Inquiry as to April 2, 2024 Pretrial Conference

Dear Judge Furman,

We represent defendant Skye Xu in the above-captioned matter. We write to inquire as to the items to be addressed at the pretrial conference set for April 2, 2024. (*See* Dkt. No. 228.)

Having conferred with counsel for the Government, who does not oppose this filing, we are unaware of any outstanding issues to be addressed by this Court aside from Mr. Xu's pending Motion to Dismiss, which is fully briefed. Mr. Xu and his counsel are preparing to proceed to trial on October 28, 2024. As the undersigned counsel and Mr. Xu are preparing to travel from California for this hearing, we respectfully inquire whether this Court will be calling for arguments on Mr. Xu's Motion, and if not, what items the parties should be prepared to address at this conference.

Respectfully Submitted,

ZWEIBACK, FISET & ZALDUENDO, LLP

MICHAEL ZWEIBACK
Attorney for Defendant Skye Xu

cc. All counsel of record (via CM/ECF)

SO ORDERED

March 28, 2024